

N.C.P.I.—Crim 238.22B
THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR. FELONY.
CRIMINAL VOLUME
REPLACEMENT JUNE 2015
N.C. Gen. Stat. § 14-190.17A

238.22B THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR.

NOTE WELL: N.C. Gen. Stat. § 14-190.17A(b) provides that "[i]n a prosecution under this section, the trier of fact may infer that a participant in sexual activity whom material through its title, text, visual representations or otherwise represents or depicts as a minor is a minor."

N.C. Gen. Stat. § 14-190.17A(c) provides that mistake of age is not a defense to a prosecution under this section.

The defendant has been charged with third degree sexual exploitation of a minor.¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant possessed material² containing a visual representation of a minor engaging in sexual activity. (*Describe activity*) is sexual activity.³ A person possesses material when the person is aware of its presence, and has (either alone or together with others) both the power and intent to control the disposition of that material.

And Second, that the defendant knew the [character] [content] of the material.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant possessed material containing a visual representation of a minor engaging in sexual activity, and that the defendant knew the [character] [content] of the material, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, then it would be your duty to return a verdict of not guilty.

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1 N.C. Gen. Stat. § 14-190.13(3) defines "minor" as "an individual who is less than eighteen (18) years old and is not married or judicially emancipated."

2 N.C. Gen. Stat. § 14-190.13(2) defines "material" as "pictures, drawings, video recordings, films or other visual depictions or representations but not material consistent entirely of written words."

3 N.C. Gen. Sate § 14-190.13(5) defines "sexual activity."